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OCT 25 2000

Department of Water Resources

200 OCT 23 PM 12: 19

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 47-10194

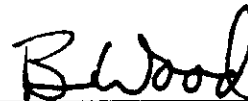
Case No. 39576

ORDER SETTING ASIDE PARTIAL
DECREE; AMENDED ORDER OF
PARTIAL DECREE NUNC PRO
TUNC

On June 20, 2000, the *Special Master Report and Recommendation on Motion for Relief from Partial Decree to Correct Clerical Errors* was entered. No Challenges were filed to the *Report and Recommendation*, and the time for filing Challenges has now expired.

IT IS ORDERED that, pursuant to I.R.C.P. 54(b), the *Partial Decree* for water right 47-10194 issued on February 25, 2000, is hereby set aside. Water right 47-10194 is hereby decreed nunc pro tunc as set forth in the attached *Amended Partial Decree* entered nunc pro tunc.

DATED OCT 23 2000, nunc pro tunc February 25, 2000.



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

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OCT 25 2000 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources
In Re SRBA)
Case No. 39576)
_____)

AMENDED

NUNC PRO TUNC
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 47-10194

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BOB D BILLINGTON
KATHERINE BILLINGTON
RT 1
RICHFIELD, ID 83349

SOURCE: COTTONWOOD CREEK SPRINGS (5)
UNNAMED STREAMS (5)
UNNAMED STREAM

TRIBUTARY: LANGFORD FLAT CREEK
COTTONWOOD CREEK
COTTONWOOD CREEK
SINKS

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1900

POINT OF DIVERSION: T15S R18E S19 SWSWE (Instream Ending Point) Within Twin Falls County
S20 NWNENE (Instream Beginning Point)
NWSWE
NENENW (Instream Beginning Point)
SWSNW (Instream Ending Point)
SWSSEW
NESESE (Instream Beginning Point)
S29 SWNENE (Instream Beginning Point)
SWSENE
SWSENE (Instream Ending Point)
NWSENE (Instream Ending Point)
SENWSW (Instream Beginning Point)
S30 NWSENE (Instream Ending Point)
SWSWE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Stockwater Within Twin Falls County

T15S R18E S19	SWSE	NWNE
S20	NENE	NENW
	SWNE	NESW
	SENW	SWSW
	NWSW	SESE
S29	SESW	SENE
	NENE	SWNW
	NWNW	
	NWSW	
S30	NENE	NWNE
	SENE	NESE
	SWSE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

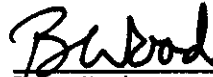
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Berry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

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Department of Water Resources

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER SETTING ASIDE PARTIAL DECREE; AMENDED ORDER OF PARTIAL DECREE NUNC PRO TUNC** were mailed on OCT 23 2000, with sufficient, first-class postage to the following:

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

US Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

Bob D. Billington
Katherine Billington
Rt 1
Richfield, ID 83349



Deputy Clerk of the Court